

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5945
Kieran Michael Lalor, Kieran Michael)
Lalor 2008 f/k/a Kieran Michael Lalor)
2008 Congressional Exploratory)
Committee and Christine Chisholm, in)
her official capacity as treasurer)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 03, 2009, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
 - a) Find reason to believe that Kieran Michael Lalor violated 2 U.S.C. § 432(e)(1) by failing to timely file his Statement of Candidacy after becoming a candidate on April 4, 2007.
 - b) Find reason to believe that Kieran Michael Lalor 2008 f/k/a Kieran Michael Lalor 2008 Congressional Exploratory Committee and Christine Chisholm, in her official capacity as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a)(2) by failing to timely file a Statement of Organization and quarterly disclosure reports.
 - c) Authorize conciliation with Kieran Michael Lalor, Kieran Michael Lalor 2008 f/k/a Kieran Michael Lalor 2008 Congressional Exploratory Committee and Christine Chisholm, in her official capacity as treasurer, prior to a finding of probable cause to believe.
 - d) Approve the conciliation agreement, as recommended in the First General Counsel's Report dated September 23, 2008.
 - e) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated September 23, 2008.
 - f) Approve the appropriate letters.

Commissioners Bauerly, Walther and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II and Petersen dissented.

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2. Failed by a vote of 3-3 to pass a motion to:

Dismiss MUR 5945 on the basis of prosecutorial discretion
as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).

Commissioners Hunter, McGahn II and Petersen voted affirmatively for the
motion. Commissioners Bauerly, Walther and Weintraub dissented.

3. Failed by a vote of 3-3 to pass a motion to:

- a) Find reason to believe that Kieran Michael Lalor violated 2 U.S.C. § 432(e)(1) by failing to timely file his Statement of Candidacy after becoming a candidate on April 4, 2007.
- b) Find reason to believe that Kieran Michael Lalor 2008 f/k/a Kieran Michael Lalor 2008 Congressional Exploratory Committee and Christine Chisholm, in her official capacity as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a)(2) by failing to timely file a Statement of Organization and quarterly disclosure reports.
- c) Authorize conciliation with Kieran Michael Lalor, Kieran Michael Lalor 2008 f/k/a Kieran Michael Lalor 2008 Congressional Exploratory Committee and Christine Chisholm, in her official capacity as treasurer, prior to a finding of probable cause to believe.
- d) Approve the conciliation agreement, as recommended in the First General Counsel's Report dated September 23, 2008; subject to an adjusted civil penalty amount _____
- e) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated September 23, 2008.
- f) Approve the appropriate letters.

Commissioners Bauerly, Walther and Weintraub voted affirmatively for the
motion. Commissioners Hunter, McGahn II and Petersen dissented.

4. Decided by a vote of 6-0 to:

Close the file in MUR 5945 and approve the appropriate letters.

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Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and Weintraub
voted affirmatively for the decision.

Attest:

February 4, 2009
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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